

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TZVI WEISS, et al.,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	Case No. 05-cv-4622 (DLI) (RML)
	:	
NATIONAL WESTMINSTER BANK PLC,	:	
	:	
Defendant.	:	
_____	:	
NATAN APPLEBAUM, et al.,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	Case No. 07-CV-916 (DLI) (RML)
	:	
NATIONAL WESTMINSTER BANK PLC,	:	
	:	
Defendant.	:	
_____	:	

DECLARATION OF AARON SCHLANGER

Aaron Schlanger hereby declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member of the bar of this Court and am Counsel at OSEN LLC, attorneys for the plaintiffs in the above-captioned *Weiss* case, as well as counsel for plaintiffs in *Linde v. Arab Bank, Plc*, 04-cv-2799 (BMC) (PK) (E.D.N.Y.). I submit this declaration and the exhibits attached hereto in support of the opposition by the *Weiss* and *Applebaum* plaintiffs (“Plaintiffs”) to the Renewed Motion of National Westminster Bank Plc (“NatWest”) For Summary Judgment dated December 21, 2016 (“Renewed NW Motion”).

2. I am able to read Hebrew proficiently.

A. Israeli Government Reports of Terrorism Investigations

3. The Israel Security Agency (“ISA”) is Israel’s internal security service, similar to the FBI in the United States. The head of the ISA reports directly to the Prime Minister of Israel. In Hebrew, the ISA is called the “General Security Service” and is commonly referred to by the Hebrew acronym “Shabak.”

4. Attached hereto as **Exhibit 1** is a true and correct copy of the official report of the ISA *Suicide Terrorists in the Current Conflict, September 2000-September 2007* (“2007 ISA Report”), which was published in Hebrew. Exhibit 1 was downloaded by Plaintiffs’ counsel from the official website of the ISA which is www.shabak.gov.il. The 2007 ISA Report bears the official insignia of the ISA, which I recognize from having reviewed numerous ISA publications. I most recently accessed the 2007 ISA Report on the ISA’s official website on January 25, 2017 at the following URL:

<http://www.shabak.gov.il/SiteCollectionImages/%D7%A1%D7%A7%D7%99%D7%A8%D7%95%D7%AA%20%D7%95%D7%A4%D7%A8%D7%A1%D7%95%D7%9E%D7%99%D7%9D/mehablim.pdf>.

5. In *Strauss v. Crédit Lyonnais, S.A.*, Case No. 06-CV-702 (DLI)(RML) and *Wolf v. Crédit Lyonnais, S.A.*, Case No. 07-CV-914 (DLI)(RML), both of which are pending before this Court, the defendant Crédit Lyonnais recently filed a brief in which it was asserted that the above URL “is not operative.” See Credit Lyonnais, S.A. Reply Memorandum of Law in Support of Motion for Summary Judgment on Reinstated Claims dated December 6, 2016 (*Strauss* ECF No. 702; *Wolf* ECF No. 148) at page 9 n.9. This statement is incorrect. I note that the above URL ends with “pdf” and does not have a period at the end. A period is included at the end of the URL in paragraph 4 above to punctuate the sentence.

6. A true and correct copy of the 2007 ISA Report (in the original Hebrew) was produced to Defendant NatWest during discovery in these actions as Bates number W_S089741-W_S089825 and as part of Appendix 1 of the Expert Report of Ronni Shaked dated December 30, 2010 (“Shaked Report” or “SR”) at pages 350-434. Pursuant to an arrangement among counsel, documents relied upon by our respective experts were produced in the original Hebrew and Arabic. The parties in the *Strauss/Wolf* actions mutually agreed to share the cost of translating certain documents relied on by their experts into English. Among the documents translated was the 2007 ISA Report included in the appendix to Dr. Shaked’s Crédit Lyonnais report. This same document appears at pages 350-434 of the appendix to the Shaked Report. Attached hereto as **Exhibit 2** is a true and correct copy of the English translation of the 2007 ISA Report that was prepared for the parties in the first half of 2010 pursuant to this cost-sharing agreement. As far as I am aware, the translation of the 2007 ISA Report at Exhibit 2 was not certified.

7. A true and correct copy of the 2007 ISA Report along with a certified English translation was admitted into evidence at the trial of *Linde v. Arab Bank, Plc*, 04-cv-2799 (BMC) (PK) (E.D.N.Y.) (the “Arab Bank Trial”) as Exhibit 3811, based upon authentication by Dr. Ronni Shaked. Dr. Shaked is a former employee of the ISA. *See* Declaration of Valerie Schuster in Support of NatWest’s Motion for Summary Judgment executed on December 7, 2011 (*Weiss* ECF No. 267; *Applebaum* ECF No. 151) (“Schuster Decl.”) at 179 (SR) at 1. Dr. Shaked authenticated Arab Bank Trial Exhibit 3811 as an official ISA document based on his 13-year career at the ISA and his ongoing research with respect to the Israeli-Palestinian conflict. *See **Exhibit 3*** hereto (a true and correct copy of the trial transcript of Dr. Shaked’s testimony on direct at the Arab Bank Trial on August 25-27, 2014) at 947:3-9 (The Court: “Next, Plaintiffs’

Exhibit 3811. That's the ISA report on suicide bombers through 2007. This seems to me to be a plainly admissible government report of the factual findings of an ISA investigation. Assuming authentication, it will be admissible."); *id.* at 1027:10-1028:19 (testimony of Dr. Shaked authenticating Exhibit 3811). A true and correct copy of Arab Bank Trial Exhibit 3811 is attached hereto as **Exhibit 4**.

8. The 2007 ISA Report sets forth the ISA's official findings that Hamas was responsible for seven of the 15 attacks addressed in Defendant NatWest's motion for summary judgment served on December 7, 2011 ("Initial NW Motion"):

- a. March 27, 2002 (Park Hotel, Netanya) (*see* Exhibit 4 hereto at page 50 (L-C089112));
- b. May 7, 2002 (Sheffield Club, Rishon LeZion) (*see id.* at page 45 (L_C089107));
- c. March 5, 2003 (Bus 37, Haifa) (*see id.* at page 30 (L-C089092));
- d. May 18, 2003 (Bus 6, French Hill, Jerusalem) (*see id.* at page 27 (L_C089089));
- e. June 11, 2003 (Bus 14A, Jaffa Road, Jerusalem) (*see id.* at page 25 (L_C089087));
- f. August 19, 2003 (Bus 2, Jerusalem) (*see id.* at page 23 (L_C089085)); and
- g. September 9, 2003 (Café Hillel, Jerusalem). *See id.* at page 22 (L_C089084).

9. The 2007 ISA Report sets forth the ISA's official findings that Hamas was responsible for two of the three attacks addressed in the Renewed NW Motion:

- a. December 1, 2001 (Ben Yehuda Street, Jerusalem) (*see* Exhibit 4 hereto at page 64 (L_C089126)); and

- b. June 18, 2002 (Bus 32A, Patt Junction, Jerusalem (*see id.* at page 40 (L_C089102))).

10. The certified translation of the 2007 ISA Report at Exhibit 4 hereto contains a translation error with respect to the date of the September 9, 2003 (Café Hillel) attack. *See* Exhibit 4 at page 22 (L_C089084) (indicating that the Café Hillel attack took place on October 9, 2003). I have reviewed the original Hebrew language version of the 2007 ISA Report at Exhibit 4, which states that the date of this attack was September 9, 2003. I note that the uncertified translation of the 2007 ISA Report at Exhibit 2 hereto correctly reflects that the date of the Café Hillel attack was September 9, 2003. *See* Exhibit 2 at page 597.

11. I have reviewed Exhibit 9 to the Declaration of Mark S. Grube dated December 21, 2016 submitted in support of the Renewed NW Motion (“Grube Decl.”), which is an official report of the ISA titled *Suicide Bombers in the Five Years of Conflict, May 2005* (“2005 ISA Report”) in Hebrew. As Dr. Shaked testified at his deposition, the 2005 ISA Report is an earlier iteration of the 2007 ISA Report. *See* Grube Decl. Exhibit 7 (Shaked 2/12/2014 CL Tr.) at 60:20-25. The 2005 ISA Report includes the ISA’s official findings with respect to the nine terrorist attacks listed in paragraphs 8-9 above. The Hebrew text concerning each of these attacks in the 2005 ISA Report at Grube Decl. Exhibit 9 is identical to the Hebrew text concerning each of these attacks in the 2007 ISA Report at Exhibits 1 and 4 hereto.

12. I note that the Shaked Report (which is Schuster Decl. Exhibit 179) and Dr. Shaked’s Second Supplemental Report dated December 2, 2013 (“Second Supplemental Shaked Report”) (which is Grube Decl. Exhibit 6) contain quotations from the 2007 and 2005 ISA Reports that sometimes vary slightly from the certified English translation of the 2007 ISA Report at Exhibit 4 hereto. This is because in preparing his reports in English, Dr. Shaked

worked from the original Hebrew versions of the 2007 and 2005 ISA Reports and, on occasion, he translated certain Hebrew words slightly differently from the way they were translated by the translator of Exhibit 4.

13. Attached hereto as **Exhibit 5** is a true and correct copy of the announcement by the Office of the Prime Minister of Israel (“PMO”) cited at page 54 n.215 of the Shaked Report. This announcement, which is in Hebrew, is dated August 21, 2002 and sets forth the finding that the Hamas headquarters in Ramallah carried out the July 31, 2002 (Hebrew University) attack with assistance from a Hamas cell in East Jerusalem. Exhibit 5 was downloaded by Plaintiffs’ counsel from the official website of the PMO which is www.pmo.gov.il. I personally created Exhibit 5 on May 9, 2011 and was able to view an archived version of this announcement on the Internet Archive (www.archive.org) on January 23, 2017 at the following URL:
<http://web.archive.org/web/20070930033020/http://www.pmo.gov.il/PMO/Archive/Spokesman/2002/%D7%90%D7%95%D7%92%D7%95%D7%A1%D7%98/Spokesman7147.htm>. A copy of Exhibit 5 hereto was produced to Defendant NatWest during discovery bearing bates numbers W_S089608-09.

14. Attached hereto as **Exhibit 6** is a true and correct copy of the English language announcement by the PMO cited at page 82 n. 315 of the Shaked Report. This announcement is dated June 15, 2003 and sets forth information about the status of the on-going ISA investigation into the April 30, 2003 (Mike’s Place) attack, including the ISA’s finding that the two suicide bombers “were dispatched to perpetrate the attack by the Hamas military command in the Gaza Strip.” I personally created Exhibit 6 on October 29, 2010 and was able to view an archived version of this announcement on the Internet Archive (www.archive.org) on January 23, 2017 at the following URL:

<http://web.archive.org/web/20070427193629/http://www.pmo.gov.il/PMOEng/Archive/Press+Releases/2003/06/Spokesman7306.htm>.

15. Attached hereto as **Exhibit 7** is a true and correct copy of the ISA Report *Summary of the Year 2003* (“2003 ISA Report”), which is quoted and cited at page 82 and note 314 of the Shaked Report, together with an English translation which was prepared for the parties in the *Strauss/Wolf* actions. I personally downloaded the 2003 ISA Report from the URL cited in Dr. Shaked’s Report at footnote 314 on May 9, 2011. A copy of the 2003 ISA Report (in the original Hebrew) was produced to Defendant NatWest during discovery in Appendix No. 1 to the Shaked report at pages 7-16. The 2003 ISA Report at Exhibit 7 sets forth the ISA’s finding that: “In April the Hamas performed a suicide bombing in Mike’s Place restaurant in Tel Aviv, where 3 Israeli civilians were killed and more than 60 were [wounded].” See Exhibit 7 at page 12.

B. Other Documents

16. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the transcript of the September 1, 2010 deposition of Matthew Levitt in *Strauss v. Crédit Lyonnais, S.A.*, Case No. 06-CV-702 (DLI)(MDG) and *Wolf v. Crédit Lyonnais, S.A.*, Case No. 07-CV-914 (DLI)(MDG).

17. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the transcript of the August 12, 2010 deposition of Arie Spitz in *Strauss v. Crédit Lyonnais, S.A.*, Case No. 06-CV-702 (DLI)(MDG) and *Wolf v. Crédit Lyonnais, S.A.*, Case No. 07-CV-914 (DLI)(MDG).

18. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the transcript of the September 28, 2010 deposition of Emanuel Gross in *Strauss v. Crédit Lyonnais*,

S.A., Case No. 06-CV-702 (DLI)(MDG) and *Wolf v. Crédit Lyonnais, S.A.*, Case No. 07-CV-914 (DLI)(MDG).

19. Attached hereto as **Exhibit 11** is a true and correct copy of an excerpt from the transcript of the February 12, 2014 deposition of Ronni Shaked in *Strauss v. Crédit Lyonnais, S.A.*, Case No. 06-CV-702 (DLI)(MDG) and *Wolf v. Crédit Lyonnais, S.A.*, Case No. 07-CV-914 (DLI)(MDG).

20. At the Arab Bank Trial, Dr. Shaked testified as a terrorism expert qualified to opine as to Hamas's responsibility for the 24 attacks at issue in that case, which included the 18 attacks at issue in these actions. *See also Linde v. Arab Bank, Plc*, 922 F. Supp. 2d 316, 331 (E.D.N.Y. 2013) (“[Dr.] Shaked is qualified to offer his opinions regarding the attribution of terror attacks to Hamas in this case....”). Dr. Shaked testified at the Arab Bank Trial that for all of the attacks addressed in the Initial and Renewed NW Motions there was at least “a high probability” that they were carried out by Hamas, and that for most of the attacks (which were suicide bombings carried out without the collaboration of any other organization) there was “a very high degree of probability that they were indeed carried out by Hamas.... [I]t is ... almost definite, I say almost certain....” *See* Exhibit 3 hereto (Arab Bank Trial transcript, Shaked direct, August 25-27, 2014) at 1001:12-1002:10. *See esp. id.* at 1069:7-17 (December 1, 2001, Ben Yehuda Street, Jerusalem); 1102:14-1103:4 (March 7, 2002, Atzmona); 111:13-17 (March 27, 2002, Park Hotel, Netanya); 1140:6-21 (May 7, 2002, Sheffield Club, Rishon LeZion); 1148:7-15 (June 18, 2002 Bus 32A, Patt Junction); 1156:2-14 (July 31, 2002, Hebrew University Cafeteria); 1170:8-18 (January 29, 2003, Road 60); 1178:9-1179:6 (March 5, 2003, Bus 37 in Haifa); 1185:14-20 (March 7, 2003, Kiryat Arba); 1209:14-1210:1 (April 30, 2003, Mike's Place, Tel Aviv); 1210:2-1211:2 (May 18, 2003, Bus 6, French Hill, Jerusalem); 1216:6-1217:1

(June 11, 2003, Bus 14A, Jaffa Road, Jerusalem); 1219:17-23 (June 20, 2003, Route 60); 1227:7-13 (August 19, 2003 Bus 2, Jerusalem); 1228:11-20 (September 9, 2003, Café Hillel, Jerusalem); 1232:5-22 (October 22, 2003, Tel Romeda); 1238:8-16 (January 29, 2004, Bus 19, Jerusalem); 1246:19-21 (September 24, 2004, Neve Dekalim).

21. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the transcript of the June 10, 2011 deposition of Brian Jenkins in these actions.

22. Attached hereto as **Exhibit 13** is a true and correct copy of Exhibits 7 and 7a of the June 10, 2011 deposition of Brian Jenkins in these actions. Exhibit 13 describes the April 10, 2002 bus bombing at Yagur Junction in Haifa and includes the following statement: “Media reports indicated that the Hamas movement’s military wing, the al-Qassam Brigades, have claimed responsibility for the operation. However, Hamas leaders announced in an official al-Qassam Brigades communiqué that the reports were not officially authenticated.”

23. Attached hereto as **Exhibit 14** is a true and correct copy of the newspaper article “Hamas Claims Responsibility for Haifa’s Suicide Explosion,” Xinhua News Agency, May 19, 2002, which is cited on page 22 n.39 of the Report of Brian Michael Jenkins dated March 4, 2011 (“Jenkins Report”) (Schuster Decl. Exhibit 172). The article includes the following statement: “The Ezz A Din Kassam, a militant wing affiliated to the Islamic Resistance Movement (Hamas), has claimed responsibility for the suicide bus explosion, which has killed at least 10 Israelis and injured some 15 others, *Israeli television quoted Qatar-based Al-Jazeera television as saying.*” (Emphasis added).

24. Attached hereto as **Exhibit 15** is a true and correct copy of the ITIC Bulletin “Shooting Attack Near Hebron, December 28, 2007” dated January 3, 2008 that is referred to at page 21 note 38 of the Jenkins Report (Schuster Decl. Exhibit 172). The bulletin states that two

of the three terrorists who carried out the December 28, 2007 attack at Wadi Telem were identified as Fatah Operatives. It further states that the affiliation of the third terrorist, who was killed in the attack “is unclear.” “According to the Palestinian media, he was a member of the PIJ’s Jerusalem Battalions, according to another version, he belonged to Hamas’ Izzedine al-Qassam Brigades.” *See* Exhibit 15 at 2 n.3.

25. Attached hereto as **Exhibit 16** is a true and correct copy of the trial transcript of Evan Kohlmann’s testimony on direct at the Arab Bank Trial on August 18, 2014. At the Arab Bank Trial, Mr. Kohlmann testified as a terrorism expert “regarding the attribution of terror attacks to Hamas.” *Linde v. Arab Bank, Plc*, 922 F. Supp. 2d at 331. In particular, and among other things, Mr. Kohlmann testified that, through the websites of the Palestinian Information Center and the *Izz al-Din al-Qassam* Brigades, the Hamas organization had issued authentic claims of responsibility for all of the 24 attacks at issue in *Arab Bank*, which include the 18 attacks at issue in these actions. *See* Exhibit 16 at 346:2-15, 404:5-21, 432:5-433:11. *See esp. id.* at 366:8-368:22, 372:1-4 (March 27, 2002, Park Hotel, Netanya); 422:16-431:13 (April 30, 2003, Mike’s Place, Tel Aviv).

26. Attached hereto as **Exhibit 17** is a true and correct copy of the July 31, 2014 order on motions in limine in *Linde v. Arab Bank, Plc*, 04-cv-2799 (BMC) (PK) (E.D.N.Y.) ECF No. 1049.

27. Attached hereto as **Exhibit 18** is a true and correct copy of the Letter Motion for Reconsideration of the April 8, 2015 Memorandum Opinion and Order filed by the plaintiffs in *Linde v. Arab Bank, Plc*, 04-cv-2799 (BMC) (PK) (E.D.N.Y.), together with its accompanying exhibits. This motion was denied “without prejudice to renewal” because of the settlement of the case.

C. March 7, 2003 Shooting Attack at Kiryat Arba

28. Dr. Shaked bases his opinion that Hamas was responsible for the March 7, 2003 shooting attack at Kiryat Arba in part on information contained in the Israeli military court indictment and judgment of conviction against Hamas member **Abdallah Ahmad Abu Seif** for his participation in this attack. *See* Schuster Decl. Exhibit 179 (SR) at 76, 77. Attached hereto as **Exhibit 19** is a true and correct copy of the apostilled Israeli Military court verdict and sentencing of **Abdallah Abu Seif**, together with a certified translation of same. The certified translation was prepared for the Arab Bank Trial, but was ultimately not used at that trial. The verdict and sentencing of Abdallah Abu Seif (in the original Hebrew) were produced to Defendant NatWest in discovery bearing Bates numbers W_S158778-W_S158784.

D. June 20, 2003 Roadside Shooting Attack on Route 60

29. Dr. Shaked bases his opinion that Hamas was responsible for the June 20, 2003 (Route 60) attack in part on information contained in an official IDF announcement dated December 23, 2003 concerning the recent arrest of 22 members of the “Eastern Band” of Hamas. *See* Schuster Decl. Exhibit 179 (SR) at 100-101. A true and correct copy of the announcement, together with an English translation thereof, is attached hereto as **Exhibit 20**. The press release (in the original Hebrew) was produced to Defendant NatWest in Appendix No. 1 to the Shaked Report at pages 808-809. The English translation of the announcement at Exhibit 20 was prepared for the parties in the *Strauss/Wolf* cases. The IDF press release sets forth the finding that the 22 arrested Hamas operatives were responsible for multiple terror attacks, including the “[s]hooting attack at traffic artery 60 near Silwad on June 20, 2003, in which an Israeli civilian was killed.” *See* Exhibit 20.

E. October 23, 2003 Shooting in Tel Romed, Hebron

30. Attached hereto as **Exhibit 21** is a true and correct copy of a webpage from the *Izz al-Din al-Qassam* Brigades website (<http://www.alqassam.ps>) which is cited at page 42 n.157 of the Expert Report of Evan F. Kohlmann dated September 8, 2009 (“Kohlmann Report”) (*see* Schuster Decl. Exhibit 210) and at page 124 n.411 of the Shaked Report (Schuster Decl. Exhibit 179), together with a certified English translation thereof. Exhibit 21 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 4030.

31. Attached hereto as **Exhibit 22** is a true and correct copy of the apostilled Israeli military court guilty verdict and sentencing of Bahaa Muhammad Fadel Awf Zahada, together with a certified English translation thereof. The certified translation was prepared for the Arab Bank Trial but was ultimately not used at trial. This document was produced during discovery bearing Bates numbers W_S158618-W_S158621.

32. Attached hereto as **Exhibit 23** is a true and correct copy of the apostilled Israeli military court guilty verdict and sentencing of Bashar Hafez Awf Zahada, together with a certified English translation thereof. The certified translation was prepared for the Arab Bank Trial but was ultimately not used at trial. This document was produced during discovery bearing Bates numbers W_S158633- W_S158635.

F. January 29, 2004 Suicide Bombing on Bus 19 in Jerusalem

33. Dr. Shaked bases his opinion that Hamas was responsible for the January 29, 2004 suicide bombing on Bus 19 in Jerusalem in part on information contained in an official ISA announcement dated February 2, 2004 concerning the killing of **Muhammad Abu Uda** by a joint IDF/ISA operation. *See* Schuster Decl. Exhibit 179 (SR) at 132-33. A true and correct copy of the official announcement, together with an English translation thereof, is attached

hereto as **Exhibit 24**. This announcement (in the original Hebrew) was produced to Defendant NatWest in Appendix No. 1 to the Shaked Report at page 999. The English translation of the announcement at Exhibit 24 was prepared for the parties in the *Strauss/Wolf* cases. The official ISA announcement identifies **Abu Uda** as the head of the *al-Qassam* Brigades in Bethlehem and as “the one responsible, according to intelligence reports” for the January 29, 2004 (Bus 19) suicide bombing. *See* Exhibit 24.

34. Dr. Shaked bases his opinion that Hamas was responsible for the January 29, 2004 suicide bombing on Bus 19 in Jerusalem in part on the fact that two Hamas operatives, **Nufal Jihad Nufal Adawin** and **Mohmoud Khalil Mahmoud Azia** were convicted for their roles in this attack. *See* Schuster Decl. Exhibit 179 (SR) at 133-34. A true and correct copy of the apostilled Israeli military court conviction and sentencing of **Nufal Adawin**, together with an English translation thereof, is attached hereto as **Exhibit 25**. Among other crimes, **Adawin** was convicted of (a) membership in Hamas (an illegal organization), (b) holding a position in Hamas, (c) rendering services for Hamas, (d) conspiring to intentionally cause death (in connection with the Bus 19 attack), and (e) failing to prevent a crime (in connection with the Bus 19 attack). *See* Exhibit 25 at L_C180923, L_C180927. In sentencing **Adawin**, the Israeli court found that he had recruited the suicide bomber who perpetrated the Bus 19 attack, “planned the attack in detail” and, when informed by the suicide bomber that he intended to carry out the attack “planned by [**Adawin**]” with help from another terrorist organization, done nothing to prevent the attack. *See* Exhibit 25 at L_C180927. A true and correct copy of the **Nufal Adawin** conviction and sentencing (in the original Hebrew) was produced to Defendant NatWest in discovery bearing Bates numbers W_S158747-53. Exhibit 25 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 4044.

35. Attached hereto as **Exhibit 26** is a true and correct copy of the military court indictment of **Muhammad Kayed Khalil al-Nashash** dated September 2, 2004, together with a certified English translation thereof. Among other crimes, the indictment charges Muhammad al-Nashah with membership of, activity in, and performing services for the Hamas *Izz al-Din al-Qassam* Brigades, an illegal association. See Exhibit 26 at Counts 4 and 5.

36. Attached hereto as **Exhibit 27** is a true and correct copy of the military court indictment of **Muhammad Kayed Khalil al-Nashash** amended on March 15, 2006 in accordance with his plea bargain, together with a certified English translation thereof. Among other crimes, the amended indictment charges Muhammad al-Nashah with membership of the Hamas *Izz al-Din al-Qassam* Brigades, an illegal association. See Exhibit 27 at Count 4.

37. Attached hereto as **Exhibit 28** is a true and correct copy of the apostilled military court judgment imposing a 20-year term of imprisonment on **Muhammad Kayed Khalil al-Nashash**, together with a certified English translation thereof. The judgment states the court's determination to increase the sentence in al-Nashash's plea agreement because of the role he played in planning the January 29, 2004 (Bus 19) attack. The judgment contains a typographical error on page 1 at line 27 where it refers to al-Nashash's conviction for his membership in "the Al-Aqsa Martyrs' Brigades" ("AAMB"). As reflected in Exhibits 26 and 27 hereto, Muhammad al-Nashash was charged with and pled guilty to membership in the *Izz al-Din al-Qassam* Brigades not AAMB. See Exhibit 26 at 2; Exhibit 27 at 3. A true and correct copy of the judgment of sentencing of Muhammad al-Nashah (in the original Hebrew) was produced to Defendant NatWest in discovery bearing Bates numbers W_S158582-87. Exhibit 28 hereto was admitted into evidence at the Arab Bank Trial as Exhibit 4045.

G. September 24, 2004 Mortar Attack at Neve Dekalim

38. Attached hereto as **Exhibit 29** is a true and correct copy of the official communiqué of the *Izz al-Din al-Qassam* Brigades published on its website (<http://www.alqassam.ps>), which is cited at page 44 n.169 of the Kohlmann Report (Schuster Decl. Exhibit 210) and at page 122 n.407 of the Shaked Report (Schuster Decl. Exhibit 179), together with a certified English translation thereof. This communiqué, which is signed by The Martyr *Izz al-Din al-Qassam* Brigades and dated September 24, 2004 (the date of the Neve Dekalim attack) at 10:50 a.m., includes the statement that the *al-Qassam* Brigades “managed to fire three 100-mm mortar shells in the direction of the Neve Dekalim settlement at exactly 10:30 a.m. today.” See Exhibit 29 at MR-ARA227232. Exhibit 29 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 4074.

39. Attached hereto as **Exhibit 30** is a true and correct copy of the official communiqué of the *Izz al-Din al-Qassam* Brigades published on its website (<http://www.alqassam.ps>), which is cited at page 44 n.169 of the Kohlmann Report (Schuster Decl. Exhibit 210) and at page 122 n.408 of the Shaked Report (Schuster Decl. Exhibit 179), together with a certified English translation thereof. This communiqué, which is signed by The Martyr *Izz al-Din al-Qassam* Brigades and dated September 24, 2004 (the date of the Neve Dekalim attack) at 11:50 a.m. includes the statement that the *al-Qassam* Brigades “claim full responsibility for an operation of firing three 100-mm mortar shells in the direction of the Neve Dekalim settlement at exactly 10:30 a.m. today. Following the operation, the enemy acknowledged that a female soldier was killed and two other soldiers were moderately wounded.” See Exhibit 30 at MR-ARA227230. Exhibit 30 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 4073.

H. December 1, 2001 Suicide Bombings at Ben Yehuda Street, Jerusalem

40. The 2007 ISA Report states that the December 1, 2001 suicide bombings on Ben Yehuda pedestrian street in Jerusalem were perpetrated by Hamas members **Osama Bahar** and **Nabil Abu Halabiya**. *See* Exhibit 4 at L_C089126. The explosive belts and devices used in the attack were prepared by **Abdallah Jamal Barghuthi**. *See id.* **Ibrahim Hamed**, one of the heads of the Hamas headquarters in Ramallah, assigned **Osama Bahar** to carry out the attack. *See id.*

41. Attached hereto as **Exhibit 31** is a true and correct copy of a press release issued on website of the Israel Ministry of Foreign Affairs (“MFA”) (<http://mfa.gov.il>) dated February 7, 2002 based on information received from the PMO, which I downloaded from the MFA website on January 25, 2017. Exhibit 31 can still be accessed on the official MFA website at the URL that is printed at the bottom of the exhibit. In this announcement, the PMO reports that a joint ISA-police investigation has identified four Hamas members who were behind the December 1, 2001 (Ben Yehuda) attack committed by **Osama Bahar** and **Nabil Khalibiyeh**. This document, which is in English, is an almost verbatim translation of the original Hebrew PMO announcement cited in the Second Supplemental Shaked Report (Grube Decl. Exhibit 6) at page 38. A true and correct copy of this announcement as it appeared on the official PMO website was produced to Defendant NatWest in discovery bearing Bates number W_S089532 and is attached hereto as **Exhibit 32**.

42. Attached hereto as **Exhibit 33** is a true and correct copy of the Israeli military court indictment of **Abdallah Barghuthi (Jamal)**, together with a certified English translation thereof. Among other crimes, **Abdallah Barghuthi** was charged with being or acting as a member of *Izz al-Din al-Qassam* Brigades (*see* Exhibit 33 at ROTH00351 (Count 2)) and with

having manufacturing the explosive devices that **Ibrahim Hamed** provided to the suicide bombers **Bahar** and **Halabiya [Khalibiyeh]** to carry out the December 1, 2001 (Ben Yehuda) attack. *See id.* at ROTH00363-367 (Counts 38-49). A true and correct copy of the indictment of Abdallah Barghuthi (in the original Hebrew) was produced to Defendant NatWest in discovery bearing Bates numbers ROTH00350-392. Exhibit 33 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 3335.

43. Attached hereto as **Exhibit 34** is a true and correct copy of the Israeli military court guilty verdict against **Abdallah Barghuthi**, together with a certified English translation thereof. A true and correct copy of the verdict against **Abdallah Barghuthi** (in the original Hebrew) was produced to Defendant NatWest in discovery bearing Bates number ROTH00436. Exhibit 34 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 3341.

44. Attached hereto as **Exhibit 35** is a true and correct copy of the Israeli military court sentencing of **Abdallah Barghuthi**, together with a certified English translation thereof. **Abdallah Barghuthi** was sentenced to 67 consecutive life terms for his membership in Hamas and numerous crimes including manufacturing the three explosive devices used to perpetrate the December 1, 2001 (Ben Yehuda) suicide bombing. *See* Exhibit 35 at ROTH00396, ROTH00398. A true and correct copy of the criminal sentencing of **Abdallah Barghuthi** (in the original Hebrew) was produced to Defendant NatWest in discovery bearing Bates numbers ROTH00396-403. Exhibit 35 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 3336.

45. Attached hereto as **Exhibit 36** is a true and correct copy of the official communiqué of the *Izz al-Din al-Qassam* Brigades published on its website (<http://www.alqassam.ps>), which is cited at page 32 n.112 of the Expert Report of Evan F. Kohlmann dated February 18, 2011 submitted in *Linde v. Arab Bank, Plc*, 04-cv-2799 (BMC)

(PK) (E.D.N.Y.) (“Kohlmann AB Report”) (Grube Decl. Exhibit 11) and at page 31 n.135 of the Second Supplemental Shaked Report (Grube Decl. Exhibit 6), together with a certified English translation thereof. This communiqué, which is signed by the *Izz al-Din al-Qassam* Brigades and dated December 1, 2001 (the date of the Ben Yehuda attack), correctly identifies **Osama Bahar** and **Nabil Halabiya** as the suicide bombers who carried out the December 1, 2001 (Ben Yehuda) suicide bombings. Compare Exhibit 36 at MR-ARA226402 with Exhibit 4 (2007 ISA Report) at L_C089126 and Exhibit 31 (February 7, 2002 MFA announcement) and Exhibit 33 (Bargouthi Indictment) at ROTH00364. A true and correct copy of the webpage (in the original Arabic) was produced to Defendant NatWest in discovery bearing Bates numbers W_S089541-2. Exhibit 36 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 3366.

I. The March 7, 2002 Atzmona Terrorist Attack

46. Attached hereto as **Exhibit 37** is a true and correct copy of the official communiqué of the *Izz al-Din al-Qassam* Brigades published on its website (<http://www.alqassam.ps>), which is cited at page 35 n. 126 of the Kohlmann AB Report (Grube Decl. Exhibit 11) and page 43 n.173 of the Second Supplemental Shaked Report (Grube Decl. Exhibit 6), together with a certified English translation thereof. This communiqué, which is signed by the *Izz al-Din al-Qassam* Brigades and dated March 7, 2002 (the date of the attack), identifies **Mohammed Farhat**, a 17-year-old resident of Gaza, as the “hero martyr” who carried out the attack. See Exhibit 37. Exhibit 37 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 3429.

47. Attached hereto as **Exhibit 38** is a true and correct copy of the “video will” of **Mohammed Farhat** cited and discussed at page 45 n. 180 of the Second Supplemental Shaked Report (Grube Decl. Exhibit 6) and at page 36 n.134 of the Kohlmann AB Report (Grube Decl.

Exhibit 11). The same video is currently available on the internet at URL: <http://www.alqassam.ps/arabic/videos/index/22>. A true and correct copy of this video was produced to Defendant NatWest during discovery bearing Bates number W_S167264.

48. Attached hereto as **Exhibit 39** is a certified English translation and transcription of audio of Mohammed Farhat's "video will" that is attached at Exhibit 38 hereto. The speaker in the video identifies himself as Mohammed Fathi Farhat, a "living martyr" and a "son" of the *al-Qassam* Brigades. Among other things, he states: "I pray to Allah, the almighty, to accept my operation, to unite me with my martyred brothers and grant me the companionship of the Prophet ... in the highest levels of Paradise." Exhibit 39. He also states that he will "carry out this humble operation" to avenge "the suffering of my people in Balata, Jenin, Rafah and Gaza, and as a reaction to Sharon's massacres against our people, the last of which was the assassination of the family of the martyr hero, the warrior of Jihad, **Hussein Abu Kweik**, or the warrior of Jihad, brother **Muhannad Abu Halawah**, and of their brothers in the al-Aqsa Martyrs' Brigades." *Id.* (emphasis added).

49. Attached hereto as **Exhibit 40** is a true and correct copy of the following newspaper article: Jonathan Curiel, *A Family's Unthinkable Tragedy, Daly City Palestinians Mourn 4 Relatives Slain By Shell*, San Francisco Chronicle, March 6, 2002, which is available online at the URL: <http://www.sfgate.com/bayarea/article/A-family-s-unthinkable-tragedy-Daly-City-2868436.php>. This article reports that on March 5, 2002 (two days prior to the Atzmona attack), the wife and three children of **Hussein Abu Kweik** were killed when an Israeli Defense Force tank shell blew up the family car. The article quotes the Israeli army as having identified Hussein Abu Kweik as "a prominent member of Hamas."

50. Attached hereto as **Exhibit 41** is a true and correct copy of the following news media report: *Palestinian Leadership Issues Statements on March 5 Attacks*, BBC International Reports (Middle East Political), March 6, 2002. This article reports that **Muhannad Abu Halawah** was killed at 7:15 p.m. on March 5, 2002 (two days prior to the Atzmona attack) when Israeli helicopters fired missiles at several vehicles including one in which Halawah was travelling.

51. Attached hereto as **Exhibit 42** is a true and correct copy of the video cited in footnote 179 on page 45 of the Second Supplemental Shaked Report (Grube Decl. Exhibit 6), which I downloaded on January 23, 2017 at the following URL:
<https://www.youtube.com/watch?v=llBt76Ab4sk&feature=related>.

J. The June 18, 2002 Suicide Bombing on Bus 32A at Patt Junction

52. The 2007 ISA Report states that the June 18, 2002 suicide bombing on Bus 32A in Jerusalem was perpetrated by **Muhammad al-Ghul**, a religious law master's degree student at Al-Najah University, who was recruited and trained by the Hamas network in Samaria. *See* Exhibit 4 at L_C089102. The report states that **Ramadan Mushahara** and his brother **Fahmi Mushahara** assisted in planning and executing the attack. *See id.*

53. Attached hereto as **Exhibit 43** is a true and correct copy of the Israeli military court indictment of **Fahmi Mashahara**, together with a certified English translation thereof. The Second Supplemental Shaked Report discusses, and relies upon, information set forth in **Fahmi Mashahara's** indictment. *See* Second Supplemental Shaked Report (Grube Decl. Exhibit 6) at page 59. As the result of a typographical error, note 224 on page 59 of the Second Supplemental Shaked Report incorrectly cites to Fahmi Mashahara's indictment by the Bates numbers W_S156882-30 instead of W_S156822-30. A true and correct copy of **Fahmi**

Mashahara's indictment (in the original Hebrew) was produced to Defendant NatWest in discovery bearing Bates numbers W_S156822-30.

54. Attached hereto as **Exhibit 44** is a true and correct copy of the apostilled Israeli military court guilty verdict and sentencing of **Fahmi Mashahara**, together with a certified English translation thereof. **Fahmi Mashahara** was sentenced to 20 consecutive life sentences for his membership in Hamas, and for his role in the June 18, 2002 (Bus 32A) bombing which included scouting for places suitable for the attack, purchasing a multi-trip prepaid bus ticket for the suicide bomber, and driving the suicide bomber to the location where he boarded the bus. *See* Exhibit 44 at L_C180930, L_C180932, L_C180936. A true and correct copy of the **Fahmi Mashahara** guilty verdict and sentencing (in the original Hebrew) was produced to Defendant NatWest in discovery bearing Bates numbers W_S158754-61. Exhibit 44 hereto was admitted into evidence in the Arab Bank Trial as Exhibit 3617.

55. Attached hereto as **Exhibit 45** is a true and correct copy of the Israeli military court indictment against **Ramadan Mashahara**, together with a certified English translation thereof. **Ramadan Mashahara** was charged with membership in Hamas (Count 1), recruiting his brother **Fahmi Mashahara** into the *Izz al-Din al-Qassam* Brigades (Count 2), carrying out reconnaissance for the June 18, 2002 (Bus 32A) attack and instructing **Fahmi** to pick up the suicide bomber and drive him to the location of the attack (Count 3). *See* Exhibit 45 at pages 161-63. A true and correct copy of the **Ramadan Mashahara** indictment (in the original Hebrew) was produced to Defendant NatWest in discovery as pages 1-9 of the Second Supplemental Appendix of Ronni Shaked.

56. Attached hereto as **Exhibit 46** is a true and correct copy of the Israeli military court guilty verdict and sentencing of **Ramadan Mashahara**, together with a certified English

translation thereof. **Ramadan Mashahara** was sentenced to 19 consecutive terms of imprisonment for his membership in Hamas and his role in the June 18, 2002 (Bus 32A) attack. *See* Exhibit 46. A true and correct copy of the **Ramadan Mashahara** guilty verdict and sentencing (in the original Hebrew) was produced to Defendant NatWest in discovery as pages 10-11 of the Second Supplemental Appendix of Ronni Shaked. Exhibit 46 hereto was admitted into evidence at the Arab Bank Trial as Exhibit 3647.

57. Attached hereto as **Exhibit 47** is true and correct copy of the official communiqué of the *Izz al-Din al-Qassam* Brigades published on its website (<http://www.alqassam.ps>), which is cited at page 41 nn.159 and 160 of the Kohlmann AB Report (Grube Decl. Exhibit 11), together with a certified English translation thereof. This communiqué, which is signed by the Martyr *Izz al-Din al-Qassam* Brigades, is dated June 18, 2002 (the same date as the Bus 32A attack) and refers to the attack as having occurred “this morning.” *See* Exhibit 47. It correctly identifies the suicide bomber as **Muhammad al-Ghul**. *Compare* Exhibit 47 with Exhibit 4 hereto (2007 ISA Report) at page 40 (L_C089102). It also correctly describes **al-Ghul** as “a master’s student in the Shari’ah faculty [i.e. faculty of Islamic law] of the al-Najah National University.” *Compare* Exhibit 47 with Exhibit 4 hereto (2007 ISA Report) at page 40 (L_C089102). It describes **al-Ghul** as “[our] Qassami knight, the heroic holy warrior, and son of the *Izz al-Din al-Qassam* Brigades.” *See* Exhibit 47. Exhibit 47 hereto was admitted into evidence at the Arab Bank Trial as Exhibit 3611.

58. Attached hereto as **Exhibit 48** is true and correct copy of the webpage published on the *Izz al-Din al-Qassam* Brigades website that is referenced at page 52 n.202 of the Second Supplemental Shaked Report (Grube Decl. Exhibit 6), together with a certified English translation thereof. On the webpage, the *Izz al-Din al-Qassam* Brigades claims responsibility for

the Bus No. 32-A attack (which it describes as taking place in Jerusalem where “one of the Zionist buses (bus number 32) [was sent] to hell”) and identifies the suicide bomber as Muhammad Haza al-Ghul, a law student at Al-Nahah National University and describes him as “[our] Qassami knight, the heroic holy warrior, and son of the *Izz al-Din al-Qassam* Brigades.” See Exhibit 48. The announcement is dated June 18, 2002 – the same date as the attack – and refers to the attack having occurred “[t]his morning.” See *Id.* (“This morning, Tuesday 6/18/2002, our martyr performed the dawn prayer, then headed out, fasting, towards the Zionist depth in our beloved Jerusalem. Armed with his faith, he had an appointment with martyrdom when he sent one of the Zionist buses (bus number 32) to hell.”). A true and correct copy of the webpage (in the original Arabic) was produced during discovery in the *Strauss* case bearing Bates numbers ALSHECH001077-78.

59. Attached hereto as **Exhibit 49** is a true and correct copy of the June 18, 2002 announcement by the MFA that is discussed and cited on page 59 and in footnote 223 of the Second Supplemental Shaked Report (Grube Decl. Exhibit 6).

60. Attached hereto as **Exhibit 50** is a true and correct copy of excerpts from the transcript of the December 16, 2010 deposition of Brian Jenkins in *Strauss v. Crédit Lyonnais, S.A.*, Case No. 06-CV-702 (DLI)(MDG) and *Wolf v. Crédit Lyonnais, S.A.*, Case No. 07-CV-914 (DLI)(MDG).

I declare under penalty of perjury that the foregoing is true and correct. Executed in Hackensack, New Jersey on January 25, 2017.

/s/ Aaron Schlanger